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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte IAN ROBERT KNOWLES

Appeal 2016-000904
Application 12/931,544[1]
Technology Center 2600

Before MICHAEL J. STAUSS, JEREMY J. CURCURI, and SHARON FENICK, Administrative Patent Judges.

FENICK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 10–16 and 20–29, all the pending claims in the present application. (Appeal Br. 1.) Claims 1–9 and 17–19 are cancelled. (*Id.* at 2.) We have jurisdiction over the appeal under 35 U.S.C. § 6(b)(1).

We AFFIRM.

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[1] According to Appellant, the real party in interest is Imagination Technologies, Limited. (Appeal Br. 2.)

Invention

Appellant's invention relates to a touch-sensitive screen for displaying a set of data. A plurality of touch sensitive areas are provided. Contact with a central area of the screen commences scrolling of data displayed on the screen. Movement of the contact into a plurality of edge portions of the screen causes scrolling of data to continue. (Abstract.)

Representative Claim

Claim 10, reproduced below with certain disputed limitations emphasized, is representative:

> 10. A system for displaying data, comprising
>
> a rectangular display having four edges, the display configured for displaying data thereon and having touch-sensing capability; and
>
> hardware coupled with the display, and configured for
>
> recognizing an initial contact of an object with the display at an initial contact point within a central area of the display defined by boundary detection zones that extend from edges of the display towards a center of the display, wherein the central area is configured for displaying a substantial portion of a displayed part of a set of data available to be displayed,
>
> detecting movement from the initial contact point of the object in a direction towards an edge of the display, the movement detected as a continuous contact with the display, beginning from the initial contact and continuing without interruption,
>
> beginning to scroll the set of data available to be displayed, in response to the detecting movement, according to the direction of the detected movement,
>
> producing an indication of a speed of the detected movement,

> repetitively monitoring a current position of the contact point on the display,
>
> detecting that a then-current contact point has crossed into one of the boundary detection zones,
>
> continuing to scroll data appearing on the display, in the determined direction of scrolling while the uninterrupted contact with the display continues, the scrolling being at a speed controlled by the produced indication of the speed, and
>
> responsive to detecting termination of the contact, beginning a scrolling cessation procedure.

Rejections

Appellant appeals the following rejections:

Claims 10, 12–22, and 24–29 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kupka (US 2005/0024322 Al, pub. Feb. 3, 2005), Logan et al. (US 5,327,161; iss. July 5, 1994) ("Logan"), and Chandhri (US 2008/0062141 Al; pub. Mar. 13, 2008). (Final Action 9–18).

Claims 11 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kupka, Logan, Chandhri, and Platzer et al. (US 2008/0168478 Al, pub. July 10, 2008.) (Final Action 18–19).

Issues

Appellant raises the following issues:

(A) Did the Examiner err in finding that Kupka, in combination with Logan and Chandhri, teaches or suggests "detecting movement from the initial contact point of the object in a direction towards an edge of the display, the movement detected as a continuous contact with the display, beginning from the initial contact and continuing without interruption" as recited in claim 10?

(B) Did the Examiner err in using Logan, in combination with Kupka and Chandhri, in the rejection of claim 10?

(C) Did the Examiner err in using Chandhri, in combination with Kupka and Logan, in the rejection of claim 10 with Chandhri?

ANALYSIS

(A) "detecting movement from the initial contact point of the object in a direction towards an edge of the display, the movement detected as a continuous contact with the display, beginning from the initial contact and continuing without interruption"

The Examiner finds the combination of Kupka, Logan, and Chandhri discloses all the elements of claim 10, including the detection of movement from an initial contact point ("within a central area of the display") towards an edge of the display, where such movement is detected as a continuous uninterrupted contact with the display. (Final Action 9–15.) The Examiner cites Kupka's teachings with respect to the creation of a copy of an object by alternate clicking within a central zone 103J and moving the copy to another location (Kupka ¶ 121) and scrolling by using a continuous contact pen or mouse movement (*Id.* ¶ 130). (Final Action 10–11.) The Examiner also cites Logan's teachings with respect to the detection of touch in a center area of a touchscreen which moves to a border area of the touchscreen. (Final Action 11–12, citing Logan, Fig. 3A items 72, 74, 78, 80, 82, 84, 86, and 88.)

Appellant argues the rejection is improper because the Examiner has cited "different and disjoint operating possibilities" disclosed in Kupka. (Appeal Br. 6) Specifically Appellant argues Kupka's scrolling disclosures are accessed by clicking outside of the central area of the screen identified by the Examiner, and "while Kupka may detect a contact within region 102,

and may provide some kind of scrolling capability if there is a detected contact outside of zone 103K . . ., those features are not related in Kupka. (*Id.* at 8.)

While we agree with the Appellant the Examiner has combined two separate disclosures of Kupka, our reviewing court also guides that, under § 103: "Combining two embodiments disclosed adjacent to each other in a prior art patent does not require a leap of inventiveness." *Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 991 (Fed. Cir. 2009). While the scrolling disclosures of Kupka are not directed to clicking within a central zone of the Kupka screen, one of ordinary skill would have implemented a predictable variation where scrolling would be accessed by clicking within the central zone because a skilled artisan, given Kupka's teaching of scrolling, would have understood that the same scrolling feature is readily applicable to any screen zone, such as central zone 103J used for other features in alternate embodiments. Additionally, as the Examiner notes (Answer 8–9), the Examiner's findings regarding the disclosures of Logan with respect to this claim element (Final Action 11–12) have not been addressed. Thus, we are not persuaded that the Examiner erred in this finding.

(B) The Logan Reference

Appellant argues that the teachings of Logan are inapposite because Logan discloses a touch pad as an interface to a display, rather than a touch screen. (Appeal Br. 9–10.) Appellant argues that "Logan teaches no linkage between the physical edge of the touchpad and reaching an edge of the separate display." (*Id.* at 9.)

Logan teaches both absolute and relative cursor positioning devices. (Logan 3:56–63 (cited in Final Action 5–6.)) With respect to absolute cursor positioning, Logan explains that an absolute cursor positioning touchpad would place a cursor onto the screen in the same relative location as the touch on the touchpad. (*Id.* 2: 27–30.) Logan discloses the use of either a relative or absolute cursor positioning device in the disclosed invention. (*Id.* 3:24–26, 3:62–63; Answer 10.) Thus, Appellant's arguments regarding the correspondence between a border edge of a touchpad and the edge of a display are not well-founded.

Additionally, we note the Appellant's arguments regarding the continuation of scrolling when in a boundary area and the use of this feature with a relative cursor positioning device relate to the claimed "continuing to scroll data appearing on the display," while the Examiner relied on the teachings of Chandhri, not Logan, with respect to that claim limitation. (Final Action 13–14; Answer 9–10.)

Appellant argues the proposed rationale to combine Kupka and Logan is deficient because the combination would not reach the elements of the claim found by the Examiner to be taught or suggested therein. (Appeal Br. 10.) However, we agree with and adopt the Examiner's findings regarding that the combined teachings and what they would have suggested to one of ordinary skill in the art (Answer 12–13) and we are not persuaded of any deficiency in the combination.

Thus, we are not persuaded that the Examiner erred in applying Logan, in combination with Kupka and Chandhri, in the rejection of claim 10.

(C) The Chandhri Reference

Appellant argues that "Chandhri fails to disclose or suggest the elements missing from the combination of Kupka and Logan" and "merely adds that traversal of images can be controlled by a horizontal swipe." (Appeal Br. 11.) However, except for referencing prior arguments with reference to Kupka and Logan, and asserting in a conclusory fashion that "[t]he explanation for combining Chandhri is deficient" Appellant does not explain why Chandhri cannot be combined with the other prior art or why Chandhri's disclosure is deficient to teach or suggest the continuation of scrolling as per the Examiner's findings (Final Act 13–14.) Thus, we are not persuaded of error in the Examiner's findings.

Conclusion

We are not persuaded by Appellant's arguments in their Appeal Brief of error in the Examiner's findings or conclusions. Therefore, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 10, of independent claim 22, and dependent claims 11–16, 20, 21 and 23–29, not argued separately. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the Examiner's decision rejecting claims 10–16 and 20–29 under 35 U.S.C. § 103(a).

Pursuant to 37 C.F.R. § 1.136(a)(1)(iv), no time period for taking any subsequent action in connection with this appeal may be extended.

AFFIRMED